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HENRY SHAW'S WILL.

ADMITTED TO PROBATE AT ST. LOUIS, SEPT. 2, 1889.

I, HENRY SHAW of the City of St Louis and State of Missouri of sound and disposing mind, but mindful of the uncertainties of life, and desiring specially to carry out and provide for certain objects which have been the subject of thought and labour, and care for many years past, more effectually than I have hereto done, do make publish and declare this, as and for my last will and testament, hereby revoking all other wills by me at any time heretofore made, in manner following, that is to say.

FIRST CLAUSE — I give and bequeath unto M Dwight Collier, Henry Hitchcock, Wm H H Pettus, Dr John B Johnson, Adolphus Meier, Wm G Eliot who is now Chancellor of the Washington University, and his successor in office, Charles F Robertson, who is now Bishop of the Episcopal Church of the diocese of Missouri and his successors, David F Kaime, James Yeatman, Judge Saml. Treat, Joseph W Branch, Gerard B Allen, Rufus Lackland, Judge G A Madill, the President for the time being of the Public Schools, and his successors in office, the President for the time being of the Academy of Science of St Louis, and his successors, the Mayor of the City of St Louis and his successors in office, Dr Asa Gray of Cambridge Masstts and Profr Spencer F Baird, secretary of the Smithsonian Institution, Washington City. The two last named as honorary trustees are added to the trust in recognition of their scientific eminence and ability; the following real and personal property, to wit, all the real estate owned by me at the time of my death within

the following limits, to wit, Grand avenue on the east, the road running from Grand avenue to the Old Manchester Road, and now known as McRee avenue dividing United States survey number fifteen hundred and nineteen (1519) and thirty two hundred and ninety four (3294), on the north; Arsenal street or Road on the south, and Kings highway, and Old Manchester road on the west; excepting such interests and estates as I have heretofore conveyed to the City of St Louis, by two deeds, one bearing date the twentieth day of October 1868, [2] and the other bearing date the ninth of July 1872, and do therein devise to the said City of St Louis for Tower Grove Park; as also such interest as I have conveyed to the Orphans Home, and also to the Calvary Church or the Trustees thereof; all being part or parcel of the Prairie Denoyer Common Fields. Also all the interest estate and property that at the time of my death I may own and be possessed of, in a certain tract of land, bounded north by the said Arsenal road, east by property late of Eggers, south by property of J Tool, and west by Kings Highway, which was originally held by me in common with the late Peter Lindell, and since his death has been divided between his representatives and myself. Also all the estate property and interest which at the time of my death I may own or be possessed of, in a certain tract of land in United States survey numbered two thousand and thirty seven (2037) in the name of Charles Gratiot, and bounded as follows to wit, north by Fyler avenue, east by Kings Highway, south by Pernod Road and west by owners unknown, being the same property owned in common by me with the late Peter Lindell, and since his death divided in partition between his legal representatives and myself; together with the improvements thereon, as also all the household and kitchen furniture of all kinds and descriptions in the house now occupied by me on the tract of land first herein described by me, as also all the plants, trees, flowers and shrubs, contained in the garden grounds, conservatories, green houses, hothouses, and other struct-

ures situated therein, all the library and books and paintings in said house and museum building, and stuffed birds and animals in said museum building, and the herbaria of dried and prepared plants and specimens therein, all the impliments of gardening, horticulture and husbandry, and also all farming utensils, horses, cattle, hogs, poultry, hay, grain, provisions and groceries in and about the said premises, herein first mentioned and conveyed, and the houses, stables, and [3] barns situated thereon. To have and to hold the said real and personel property to them and the survivors of them and their assigns in office forever, in Trust however for the following uses, and purposes, as joint tenants in common, to wit. Whereas I have for many years been engaged in laying out and establishing a Botanical Garden, with a museum and library connected therewith upon a portion of the tract first described, and which is now known as the Missouri Botanical Garden, with the design at the time of my death to convey the same with other property to Trustees for the object and with the view of having for the use of the public a Botanical garden easily accessible, which should be forever kept up and maintained for the cultivation and propogation of plants, flowers, fruit and forest trees, and other productions of the vegetable kingdom; and a museum and library connected therewith, and devoted to the same and to the science of Botany, Horticulture, and allied objects; and whereas as a means of enabling me more effectually to secure the object I have in view, and to preserve the same to the use and enjoyment of the public for all time, the General Assembly of the State of Missouri did pass an act, entitled an act to enable Henry Shaw to convey and devise to Trustees certain lands which was approved of on the 14th day of March 1859; and as it was with the design of carrying out the purpose and object upon which I have been so long engaged, and availing myself of the power given me in said act so far as necessary. I have herein given, devised and bequeathed to said Trustees the property herein specified; I do now declare the uses, pur-

poses and trusts which the said Trustees hold the said property to be as follows.

1st — The said Trustees shall not have the power to make any sale, conveyance or disposition of the real estate herein devised to them or any portion thereof, except as herein specified.

2nd — Said Trustees shall forever keep that portion of the said tract first described, which is now occupied by the Botanical garden, Fruti = [4] Fruticetum, Arboretum, Museum, my residence with such other extent of land as from time to time they may find it expedient or necessary to add thereto for the extension of the said botanical garden and grounds, including the residence of the Director thereof as a Botanical garden for the propogation and cultivation of specimens of plants flowers, fruit, and forest trees for the promotion of science and knowledge, which shall be kept open during such hours, and under such regulations as they shall prescribe every day except sundays, for the use of the public at large.

3rd — The residue of the real estate not required for the immediate purposes of the said Botanical garden in extending the same, whenever it shall appear or seem to the said Trustees necessary, shall from time to time, as the same can be advantageously done, be leased by said Trustees as follows; such portions thereof as can be advantageously leased upon building leases, shall be leased for a term not exceeding sixty years, with a provision in such leases for perpetual renewal thereof for succeeding terms of not more than sixty years, at a rent to be fixed by valuation to be made as therein provided at each term of renewal. Such leases shall also contain a provision that the Leassee as a part of the rent shall pay all taxes general and special, and assessments that may be levied or assessed upon said land so leased. It is my design and object not only that the lands so leased shall afford an income or revenue for the support of the said Botanical Garden, but that it may in the future be so leased as by its improvement its contiguity may be

pleasant and attractive to the visitors and students of the Botanical Gardens. The said Trustees may lease the cottages already erected, and such portions of the said real estate herein before devised, as they do not use for the garden, and cannot profitably lease for building purposes, on short leases to nurserymen, florists, vegetable and market gardeners and others. [5]

4th — Of the Trustees herein mentioned to whom the real and personal property is hereby devised and bequeathed; the Mayor of the City of St Louis, and the Chancellor of the Washington University, the Bishop of the Episcopal Church, the President of the Public Schools, and the President of the Academy of Science, are hereby constituted such trustees by virtue of their office, and not as individuals, and upon their ceasing be to such officers, their functions as such trustees cease, and their successors in office immediately vested with such title to the property, and such rites and duties in relation to the said trust as was possessed by the person ceasing to be such officer. In the event of death, resignation, removal from the city, or permanent inability to serve, of any of the said Trustees, the remaining Trustees will proceed to elect some person fitted by his social position, character and tastes to fill the vacancy; and when any person shall be elected to fill any such vacancy, the other Trustees shall by proper instrument clothe him with the same trusts, interests and power over the said trust property as was possessed by the Trustee in whose place he was elected. In the event of the death of the said Eliot or the said Robertson, I recommend to the said Trustees to fill the vacancy by electing the person who shall succeed to the office or station of the deceased persons above named, and that such selection may be continued to be made upon the death of the individual holding such office and station, so long as the trust shall endure. The said Trustees and their successors in office as herein provided shall constitute a board of Trustees, and said board shall keep written minutes of their proceedings,

shall appoint such executive of such board as they may think fit, and the acts of a majority of the members of said board, done at any meeting regularly held or called shall be deemed or taken for all the purposes of the trust, to be the doings and actings of said board, and of said Trustees, and due notice of any such meeting shall be given [6] by written or printed notices deposited in the post office to the address of each Trustee. The said Trustees at such board shall in accordance with said Trust have full power and authority over, and control of said property hereby devised and bequeathed to them, and the revenue thereof, and its collection and the distribution of the same. They shall have the power of the appointment and removal of the Director and all the other servants and employees connected with the carrying out the objects of the trust. They shall also have the power to prescribe the duties which said Director shall perform, and the other employees and servants connected with the carrying out the objects of the Trust, shall be appointed by them, giving due weight to the recommendations of the Director. The said Trustees shall have the power whenever they shall have an adequate revenue, and they shall deem it advantageous to establish public lectures upon Botany and its allied sciences, and they may at any time call upon the Director to give the same as a part of his regular duties. The Trustees shall have the power to provide for an addition to the collection of plants, flowers, shrubs and trees, indigenous to this or other states or countries, when in their judgment the means at their disposal will authorize it, and make from time to time exchanges of plants, flowers and herbaria, and may provide for the increase of the museum and library, and its enlargement when necessary.

5th — There shall always be a Director to said Botanical garden, and institution, to be appointed as hereinbefore provided, and said board of Trustees shall from time to time prescribe his duties; but when within the sphere of his duties thus prescribed and while he shall faithfully per-

form those duties thus prescribed, the said Director shall not be subject to the interferance, management or controul of said Board; but this is not to be construed so as to take away from the board the permanent control over the garden and grounds of said institution. The director [7] shall always reside upon the grounds specifically set apart for the said institution and garden, and shall have the general superintendance and controul of, and over the gardeners and labourers employed in and about said garden and grounds, and he shall have the general superintendance and charge over the garden grounds, museum and library of said Botanical gardens. He shall devote his entire time and efforts to the interests of the said institution, and he shall, when thereto required so to do, deliver lectures at such place as said Trustees may appoint, upon Botany and matters connected therewith, and he shall employ his energies, that from year to year the institution under his charge shall grow up in efficiency in promoting the ends in view in its inception. When required he shall meet with the board of Trustees, and cooperate with them in matters connected with the interests of the said institution.

6th — The yearly revenue only of the property hereinbefore devised and bequeathed, except such portions of the property herein after devised and bequeathed, as is set apart for, and to be expended on specified objects and uses; shall be applied to the maintenance, preservation and enlargement of the objects of this trust. The said yearly revenue after deducting expenses of collection, taxes, insurance and repairs, shall be applied, as also of the property herein after devised and bequeathed, shall be applied first to the payment of the salaries of the Director, Assistants professors and gardeners, and the payment of the wages of the employees and labourers, in keeping up the grounds in good style and providing for the preservation and increase of the plants and trees, and preserving the buildings and inclosures of the grounds and secondly the purchase of plants, flowers and trees, additions to the

Library, the enlargement, and improvement of the Garden when necessary or advisable, and such other expenditure as from time to time may be found necessary in furtherance of the purposes of this Trust [8]

SECOND CLAUSE. Having established maintained and kept open for the use of the public for many years the Missouri Botanical Garden, and wishing to perfect my endowment of it, and to augment and perpetuate its usefulness by connecting with it a school of Botany for the promotion of education and investigation in that science, and in its application to Horticulture, Arboriculture, Medicine and the Arts, and for the exemplification of the divine wisdom and goodness as manifested throughout the vegetable kingdom.

First — Wherefore I hereby give and bequeath to the Washington University of St Louis a certain lot of ground with the improvements thereon in Block number twenty seven (27) of the city of St Louis, containing fifty five feet in front on the east side of Second Street by one hundred and fifty feet in depth, and bounded north by Greeley, south by (or late) Rankin, east by an alley, and west by Second Street, being the property acquired of Finney. The income of which is to used solely for the maintenance of a School of Botany; said income to be used exclusively to pay the salaries, and defray the necessary incidental expenses of those engaged in botanical instruction, and researches at the Garden, and as need may require also within the precincts of the University; also for the maintenance of the requisite botanical laboratories, and their equipment with instruments and appliances for the illustration and investigation, for the maintenance and increase of a botanical library and herbarium; and for such like objects strictly german to a School of Botany.

Second — To secure harmonious cooperation I require that the professor or professors in the said School of Botany shall be either the Director of the Missouri Botanical Garden, or the person next to him in rank, under what-

ever title, or both of them, or when this is impracticable, said professor, or professors, or teachers, shall be appointed, either by the nomination of the Trustees of the Garden, and approval of the corporation of the University, or else, upon the nomination of [9] of the latter and approval of the former, and whenever the income net, of the property hereby bequeathed to the said University shall fall short of three thousand five hundred dollars ($3500) per annum I require that the Trustees of the Garden shall pay over to the said University, such sum of money as may be required to make the annual income equivalent to three thousand five hundred dollars per annum.

Third — I hereby empower the Trustees of the Missouri Botanical Garden to allot, if they think it expedient, from time to time, any of the income not needed for the developement and maintenance of the said Garden, to the augmentation to the means and appliances of instruction, and also when required and found needful to the erection of another building, similar to the one now occupied as Museum and Library, to be situated west of the same, and equidistant from the residence.

Fourth — I declare my intention that instruction to garden pupils shall be attended to, both in practical and scientific, horticulture, agriculture and arboriculture, and consider it an important feature to always keep up the ornamental and floricultural character of the garden.

Fifth — I also declare that scientific investigations in Botany proper, in vegetable physiology, the diseases of plants, the study of the forms of vegetable life, and of animal life injurious to to vegetation, experimental investigations in horticulture, arboriculture &c are to be promoted no less than instruction to pupils; but I leave details of instruction to those who may have to administer the establishment, and to shape the particular course of things to the condition of the times.

Third Clause — In addition to what I have already above devised and bequeathed to said Trustees above mentioned,

constituted and appointed. I hereby devise to said Trustees, above mentioned, with a view and for the purpose of creating a fund [10] the net income of which, and that alone, is to be applied to the support and improvement of said Missouri Botanical Garden, and under the trust as above designated, the following property real and personal, to wit,

First — A certain lot with improvements thereon in Block sixty five (65) of said City, containing twenty five $\frac{5}{12}$ feet on the west side of Second Street, by one hundred and five $\frac{3}{12}$ feet in depth, and bounded north by, (or late) Wm H Brant, east by Second Street, south (or late) by Coll. Brant, and west by an alley.

Second — Two certain lots with improvements thereon in Block sixty five (65) containing together forty two $\frac{9\frac{1}{2}}{12}$ feet in front on the west side of Second Street, by one hundred and five feet more or less in depth, and bounded north by (or late) Wilkinson, east by Second Street, south by Jenkins, and west by alley.

3rd — A lot of ground with improvements thereon in Block twenty eight (28) of said city, containing twenty three feet $\frac{6}{12}$ feet in front by one hundred and fifty feet in depth, bounded north by by (or late) Jarvis, east by alley, south by (or late) Thornton, and west by Second Street.

4th — A lot with improvements in Block sixty three (63) of said city, containing thirty two feet in front on the west side of Second Street, by one hundred and fifty two feet in depth, and bounded north by (or late) Garnhart, east by Second Street, south by (or late) Ward, and west by an alley.

5th — A lot of ground with improvements in Block thirteen (13) on the north east corner of Main and Vine Streets, containing forty six $\frac{6}{12}$ feet ($46\frac{6}{12}$) in front on the east side of Main Street, and running east ninety feet to Commercial Street or alley, and bounded south by Vine Street, and north by (or late) Crittendon.

6th — A lot of ground with improvements in said Block

thirteen (13) of said City, containing twenty one $\frac{8}{12}$ ($21\frac{8}{12}$) feet on Main street by ninety one $\frac{6}{12}$ feet in in depth, bounded north by (or late) Ferguson [11] east by Commercial Alley or Street, south by Crittenden, and west by Main Street.

7th — A lot with improvements on the west side of Main Street in Block thirty three (33) containing twenty $\frac{7}{12}$ ($20\frac{7}{12}$) feet in front by one hundred and forty feet (140) in depth, and bounded north by (or late) Clemens, east by Main Street, south by (or late) Kearney, and west by alley.

8th — All the lots and parcels of ground that I own in Blocks two hundred and fourteen (214) and two hundred and fifteen (215) in said city, being on the north and south sides of Poplar Street, and between Twelvth and Thirteenth Streets, except the lot of ground with improvements thereon on the north side of said Poplar Street, herein devised to Mrs Rebecca Edom.

9th — A certain lot on the alley in Block sixty five (65) and in rear of lot herein described and devised in 2nd paragraph being about twenty eight $\frac{6}{12}$ feet on alley, and running west about thirty seven $\frac{6}{12}$ feet to a lot of (or late) Mrs Pendleton, bounded east by alley, north by property formerly of Picotte, and south by property formerly of Isaac Walker.

10th — A lot of ground in Block one hundred and eighty one (181) of said city, with the improvements thereon, being my city residence, bounded south by Turner, east by Seventh Street, north by Locust Street and west by alley, being ninety $\frac{8}{12}$ ($90\frac{8}{12}$) feet on Seventh Street, and one hundred and twenty seven $\frac{7}{12}$ ($127\frac{7}{12}$) feet on Locust Street.

11th — A lot in Block thirteen (13) of said city with improvements, containing twenty three feet in front by ninety (90) feet in depth, and bounded north by (or late) Wiggins, east by Front Street, south by Tiffany, and west by Commercial alley.

12th — A lot in said Block Thirteen (13) with improvements containing twenty seven and one half ($27\frac{1}{2}$) feet in

front by ninety (90) feet in depth, bounded north by (or late) Devillers, east by Front [12] Front Street, south by (or late) Wiggins, and west by Commercial Street.

13th — A lot in Block thirteen (13) with improvements containing twenty three feet in front by ninety (90) feet in depth, and bounded north by Tiffany, east by Front Street, south by trustees of Benjamin C Sanford, and west by Commercial Street.

14th — A lot in Block twelve (12) of said city containing twenty three (23) feet in front by ninety (90) feet in depth, with the improvements thereon, bounded north by (or late) Campbell, east by Front Street, south by (or late) Gay, and west by an alley.

15th — All the lots owned by me with the improvements thereon in Block fifty three of said city, being one lot on the north west corner of Second and Plum Streets, containing twenty four (24) feet on Second Street by eighty (80) feet in depth, bounded north by Dehil, east by Second Street, south by Plum Street, and west by myself; one lot containing eighty $\frac{5}{12}$ ($80\frac{5}{12}$) feet on Plum Street by eighty-seven $\frac{9}{12}$ ($87\frac{9}{12}$) feet in depth, bounded south by Plum Street, east by myself, and Dehil, and west by Claes; one lot containing thirty six $\frac{8}{12}$ ($36\frac{8}{12}$) feet on Second Street by eighty (80) feet in depth, bounded south by Dehil, and west by myself.

16th — Two lots with warehouses thereon in Block ten (10) of said city containing together forty nine (49) feet on Front Street by ninety seven feet in depth, and bounded north by (or late) Brown, east by Front Street, south by the property of (or late) L M Kennett's estate, and west by Commercial Street or Alley.

17th — I also will and devise further to the said Trustees of said Missouri Botanical garden, named in the first clause of my will, a certain lot of ground situated on the south side of Market Street in the said City of St Louis, between Fourth and Fifth Streets, containing sixty (60) feet in front by one hundred and forty five feet (145) more or less in

depth, bounded north by Market Street, south by an alley, east by Price, and west by [13] Charless and Bourgois in city Block one hundred and three (103) and purchased by me from the trustees Eliza A W Blow deceased.

18th — A lot of ground with improvements thereon in Block ninety-eight (98) with a front of forty eight (48) feet, by one hundred and twenty seven $\frac{5}{12}$ ($127\frac{5}{12}$) feet in depth, bounded east by Fourth Street, north by St Charles street, west by an alley and south by premises now occupied by Scruggs Vandervoot and Barney.

19th — A lot of ground with improvements thereon in Block one hundred and eighteen (118) with a front of sixty six feet (66) on on Sixth Street, by eighty nine $\frac{1}{3}$ ($89\frac{1}{3}$) feet on St Charles Street, bounded west by Sixth Street, north by St Charles Street south by Chirchill and east by Van Studdiford.

20th — A lot of ground with building thereon in Block one hundred and nineteen (119) with a front on Washington Avenue of twenty three feet (23) by seventy five feet deep (75), bounded north by Washington Avenue, west by Beach, and east and south by self.

21st — A lot of ground with building thereon in Block one hundred and nineteen (119) with a front on Washington Avenue of forty six (46) feet by seventy five (75) feet in depth bounded north by Washington Avenue, west and south by self, and east by Hugh L White.

22nd — A lot of ground with buildings thereon in Block one hundred and nineteen (119) with a front on St Charles Street of forty five (45) feet, by seventy five (75) feet deep, bounded south by St Charles Street, north by self, and east by property now occupied by Eli Walker & Co, and west by (or late) Isaac Walker.

23rd — A lot of ground with improvements in Block one hundred and twenty six (126) with a front of twenty five (25) feet on Washington Avenue, by a depth of one hundred and fifty one $\frac{5}{12}$ ($151\frac{5}{12}$) feet to St Charles Street, now leased to Leath, bounded north by Washington Ave-

nue, south by St Charles Street, east by Leath, [14] and west by Mary T Barrett.

24th — A lot of ground with improvements in Block one hundred and twenty six (126) with a front of thirty three (33) feet on Washington Avenue, by a depth of seventy five (75) feet on Seventh Street bounded north by Washington Avenue, west by Seventh Street, south by self, west by Seventh street, and east by (or late) Bissell.

25th — A lot of ground with building thereon in Block one hundred and twenty six (126) with a front of thirty two (32) feet on St Charles Street, by a depth of seventy six (76) feet on Seventh Street, bounded south by St Charles Street, west by Seventh Street, north by self and east by (or late) Bissell.

26th — A lot of ground with four tenements thereon in Block eight hundred and twenty (820) with a front of eighty eight $\frac{5}{12}$ ($88\frac{5}{12}$) feet on Lafayette Avenue, by a depth of one hundred and two $\frac{6}{12}$ ($102\frac{6}{12}$) feet to an alley, bounded north by Lafayette Avenue, west by Dorshimer, south by an alley, and east by Linn Street.

27th — A lot of ground and store building thereon in Block twenty eight (28) of said city with a front on Second Street of thirty five $\frac{9}{12}$ ($35\frac{9}{12}$) feet, by a depth of one hundred and thirty seven (137) feet, bounded north by McDowell, south by Maffit, west by Second Street, and east by a twenty foot alley.

28th — A lot of ground and store building thereon in Block sixty four (64) of said city, with a front on Second Street of thirty one $\frac{4}{12}$ ($31\frac{4}{12}$) feet, by a depth of one hundred and fifty two $\frac{4}{12}$ ($152\frac{4}{12}$) feet, bounded south by Alexander, north by (or late) Bauvais, east by Second Street and west by alley.

29th — I also further devise and bequeath to the Trustees of the said Missouri Botanical Garden for the purposes hereintofore stated, all the estate property and interest I may [15] own and possess at the time of my decease to a certain tract of land in United States Survey No 2037, and

which was originally held by me in common with the late Peter Lindell, lying west of the city Poor house, bounded east by city land, north by Arsenal street, west by Tamm Road and south by parties unknown, containing fifty two acres more or less, part of which is leased to Jansen.

30th — In the 10th and preceding paragraph of this my will and testament, I devise and bequeath my property in Block 181 of said City to said Botanical garden, including my present City residence, corner of Locust and Seventh Streets, which said residence being built of good and durable materials, but unsuitable to its present locality; it is my desire that when deemed advisable by the Trustees of said Missouri Botanical Garden to have the said residence carefully taken down and rebuilt on Tower Grove Avenue in some convenient situation in contiguity to said Botanical Garden: and for the said removal and rebuilding I hereby bequeath to the said Trustees the sum of ten thousand ($10,000) Dollars; and the ground so devested of said residence, to be leased by said Trustees for such term as they may deem expedient for the benefit of said Missouri Botanical Garden.

31st — It is my desire and intention that the bequest made payable in money in this my will, will be paid with as little delay as convenient, and that my administrator provide for the payment of same, by sale of such notes secured by deed of trust, or shares of the capital stock of the St Louis Gas Light Company, or shares of stock in the Planters House Hotel, that I may own at the time of my decease. [16]

FOURTH CLAUSE

1st—I hereby devisise and bequeath to my dear sister Caroline Morisse the wife of Julius Morisse the lot of ground and building thereon in Block ninety four (94) with a front of thirty $\frac{9}{12}$ ($30\frac{9}{12}$) feet on North Fourth street, by a depth of one hundred and twenty seven $\frac{6}{12}$ ($127\frac{6}{12}$) feet to an alley, bounded east by Fourth street, west by an alley, north by Commerial Mutual &c Co, and south by (or late) Bryan, and now occupied by Morisse as a hardware store, and by

Williams as a hotel and boarding house. To have and to hold the same unto the said Caroline Morisse forever; and also to my said sister Caroline I hereby devise during her life time, the house and lot on Shaw avenue Place, next south to the northwestern corner house devised in this my last will and testament for her life time to Mrs Rebecca Edom; and at the death of my said sister, I devise that the house and lot revert back as the property of the said botanical garden, they the said Trustees to pay taxes and insurance on said house and lot during the life time of my said sister Caroline Morisse. I further devise and bequeath to my said sister Caroline Morisse the sum of five thousand (5000) Dollars.

2nd—I give and bequeath to Mrs Rebecca Edom my house keeper at Tower Grove and Locust street the property on Poplar street between Twelvth and Thirteenth streets, fronting seventy (70) feet more or less on the north side of Poplar street, and extending north seventy (70) feet to a private alley, bounded east by an alley, west by the east wall of a row of five brick houses standing on said lot, south by Poplar street and north by self. To have and to hold to the said Rebecca Edom, and heirs and assigns forever.

In further consideration of the services of said Mrs Rebecca Edom, as housekeeper and nurse in my old age, in addition [17] to the property devised in this paragraph of my will, I hereby devise and bequeath to the said Rebecca Edom the sum of five thousand ($5000) Dollars, and further hereby devise to the said Rebecca, a certain lot of about eighty feet front or width with a dwelling house thereon, being the northwestern house of the ten houses erected by me on Shaw avenue place, bounded north by Tonty street and west by Mercy street, during her lifetime and at her death I hereby devise the same to the Trustees of the Missouri Botanical garden; they the said Trustees to pay taxes, and insurance on said house and lot during the lifetime of the said Rebecca. Also I further bequeath

to the said Rebecca Edom, my one horse carriage made by Salorgne, and one that she may select of my carriage horses, all my wearing apparel, and also the following articles of furniture to the said Rebecca, at present in my city residence on Locust street and Seventh street, to wit, one mantel clock, the mahogany side board, dining table, and six chairs of mahogany and morocco leather, two looking glasses, two oil paintings of fruit, all the plated ware, spoons, forks, covered dishes and dish covers, knives, plates, dishes, china-ware, tea and coffee sets, and accessories to tea services; at present in and about the dining room of my said city house; one rosewood bedstead with mattresses, and pillows, one bureau with marble top, one rosewood wardrobe with glass door, one wash stand chairs & tables now in my bedroom in said house, also the bedroom furniture in the south room of the third story of said house, and one dozen each of port and sherry wine, and two dozen bottles of claret wine, from my wine cellar in said house

3rd — I give and bequeath to Joseph Monell M. E. late of Washington University, and now employed at the Desloge Lead Works St Francois County Mo, the property in Block one hundred and twenty seven (127) of said city, containing [18] forty five and one half feet (45½) on St Charles street, by fifty seven (57) feet on Seventh street, bounded north by St Charles street west by Seventh street, east by (or late) Patton, and south by or late Ellard. To have and to hold to the said Joseph Monell, and his heirs and assigns forever.

4th — I give and bequeath to my cousins in England, to wit, to Henry E Hoole of Ravenfield Park, nr. Rotherham, to Joseph Hoole London, to Miss Mary Hoole, Craven Garden Bayswater London, to Henry Hoole, Malvern, all in the Kingdom of Great Britain, to each the sum of one hundred pounds (£100) sterling.

5th — I give and bequeath to Mrs Eliza Lowe (late Mrs Eliza Hoole) the wife of Revd Hubert Lowe, the sum of two hundred pounds (£200) sterling; to Percy Hoole esqr

the son of Henry Elliot Hoole, of Ravenfield Park, to James Hoole esqr of Edgefield Bradfield parish near Sheffield, also to Mrs Mary Hodge, widow, and to her sister Mrs Eliza the daughters of Henry Hoole of Malvern, to each the sum of one hundred (£100) pounds sterling; and also to the said James Hoole of Edgefield the portraits of my dear deceased mother, and of her brother my deceased Uncle, both said portraits with their frames now hanging in the dining room of my city residence, to be securely packed at the expense of my estate, and forwarded free of expense to the devisee; all these parties of the kingdom of Great Britain.

6th — I devise and bequeath to my relative Mr Frank Bradbury a native of Sheffield Engld, and now a resident of the City of St Louis, the house and lot for his life time, on Shaw avenue Place, next adjoining and south of the house and lot devised for her life time to my dear sister Mrs Caroline Morisse, said lot to said Bradbury, being about eighty (80) feet feet in width, and bounded west by Mercy street, and east by property devised to the Missouri Botanical Garden; to the said Frank Bradbury, during the term of his natural life, and then the said house and ground to revert to the Trustees for the purposes of the said Mo Botanical Garden [19]

7th — I hereby give and bequeath to the heirs of my deceased cousins, James Shaw, Joseph Shaw, and Wm Shaw now residing in, or near the city of New York, and the heirs of their deceased sister, Mrs Vitty, now or late of Philadelphia, to each family of my four deceased cousins the sum of one thousand dollars, aggregating the sum of four thousand ($4000) Dollars to the descendants of my late cousins, none of whom have I ever seen except one.

8th — I hereby give and bequeath to Mrs Sarah Barber, widow, now (or late) of Roscoe Place, Sheffield, England, the sum of one hundred (£100) pounds sterling.

9th — In further consideration of the services of the aforesaid Mrs Rebecca Edom, as housekeeper and nurse in my

old age, I hereby devise and bequeath to the said Rebecca Edom during her lifetime the lot of ground owned by me, with improvements thereon in Block one hundred and twenty nine (129) of a width in front, on Olive street of twenty $\frac{6}{12}$ ($20\frac{6}{12}$) feet by a depth of one hundred and six (106) feet more or less, bounded north by Olive street, west by an alley, south by Rudolph and east by same being the property as at present occupied by Kaime and Brother, to the said Rebecca Edom for her natural life, she paying taxes and insurance, and repairs, and at her decease, I hereby devise and bequeath the said house and lot to St Lukes hospital, being a corporation now situated on Washington avenue, city of St Louis to have and to hold the same forever, for the support of the said hospital, and for no other purpose; also to the said hospital I hereby give and bequeath the sum of one thousand dollars.

10th — I give and bequeath to the Good Samaritan Hospital of St Louis the sum of one thousand ($1000) Dollars.

11th — I give hereby and bequeath to the Academy of Science of St Louis, the sum of one thousand ($1000) Dollars.

12th — I hereby give and bequeath to the Missouri Historical Society of St Louis the sum of one thousand ($1000) Dollars. [20]

13th — I hereby devise and bequeath to my aforesaid dear sister Mrs Caroline Morisse for her natural life, a lot of ground with improvments thereon, in city block nineteen hundred and eighty four (1984), of a width of thirty (30) feet on Sheridan avenue, by a depth of ninety nine $\frac{4}{12}$ ($99\frac{4}{12}$) feet, bounded south by Sheridan avenue, north by an alley, east by (or late) Keiler, and west by and at the death of my said sister Caroline, I hereby devise the said house and lot to the Episcopal Orphans Home, and which said orphanage is on Grand avenue, to them for the maintenance of said Orphans Home,

to have and to hold forever: also to the said Episcopal Orphans Home, the sum of Two thousand ($2000) Dollars.

14th — I give and bequeath to the Protestant Orphan Asylum the sum of one thousand ($1000) Dollars; the said Asylum being a corporation located in the county of St Louis.

15th — I hereby give and bequeath to the Home of the Friendless (Old Ladies Home) one thousand ($1000) Dollars, the said Home of the Friendless being a corporation of the City of St Louis.

16th — I give and bequeath to the Memorial Home of St Louis, an institution located on Grand Avenue near Tower Grove Park the sum of one thousand ($1000) Dollars.

17th — I give and bequeath to the Little Sisters of the Poor, a Catholic institution of St Louis the sum of one thousand ($1000) Dollars.

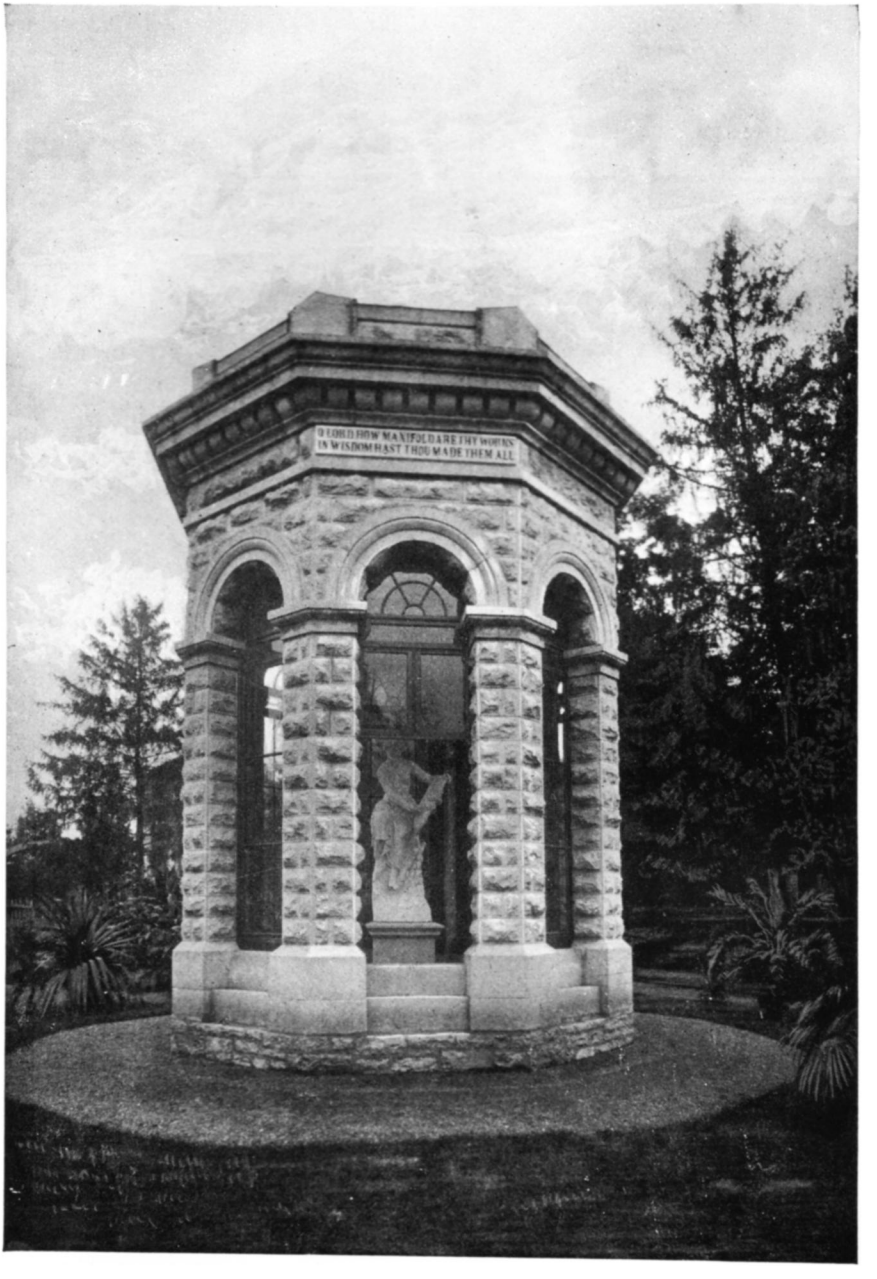
18th — I hereby give and bequeath to St. Georges Society of St Louis, whereof, Wm Ellison is president, and J W Branch is Treasurer, one thousand dollars ($1000).

19th — I hereby give and bequeath to the Caledonia Society of St Louis, whereof Dugald Crawford is (or was) president, the sum of one thousand ($1000) Dollars.

20th — I give and bequeath to Mr Geo I Barnett, Architect of the city of St Louis, the Mantel Clock bequeathed to me by [21] the late Manoel De França, and now in the library of my city residence, and also to the said Barnett the ancient oil painting of the Falls of Terni in Italy, said to be by Rosa de Tivoli, also now hanging in said library: also two dozen of my best sherry wine from cellar in my city house.

21st — I give and bequeath to Mr David F Kaime of the firm of J E Kaime & Bros my barouche carriage made by Brewster of New York, with set of double harness, also to said D F Kaime two dozen bottles port wine from cellar at city house.

22nd — I hereby give and bequeath to Mr J E Kaime of Kaime & Bros Two dozen port, and two dozen sherry wine from my aforesaid cellar.



STATUE OF VICTORY.

23rd — I hereby give and bequeath to D H MacAdam Esqr of this city but now residing at Kirkwood, my gold Jergensen watch, also two dozen port or claret wine as he may select from my city house cellar; also to said MacAdam my folio edition of Shakspeare.

24th — I hereby bequeath one thousand ($1000) dollars annually for a banquet to the Trustees of the garden, and to the guests they may invite, litterary and scientific men, and friends and patrons of the Natural sciences; to be paid each year out of the funds devised for the support of the Garden; also four hundred dollars annually from the same fund for a banquet to the gardeners of the institution, and invited florists, nurserymen, and market gardeners of St Louis and vicinity, said banquet to be presided over by the Director of said Botanical Garden.

25th — I hereby bequeath five hundred dollars annually for premiums or prizes to a flower show or exhibition, when such flower show may be established by amateurs and horticulturists of St Louis to be paid each year out of the funds of the garden.

26th — I hereby devise and bequeath two hundred dollars annually to the Bishop of the Episcopal Church of this diocese, in consideration [22] (if he approve of the same) that an annual sermon be preached in such church, and by such minister as he may select; on the wisdom and goodness of God as shown in the growth of flowers, fruits, and other products of the vegetable kingdom; to be paid annually out of the funds of the said Botanical Garden.

27th — I hereby devise and bequeath to the Mercantile Library of St Louis my thirty (30) shares in the Mercantile Library Hall Company of St Louis, and all my interest in the same.

28th — I hereby give and bequeath to the Girls Industrial Home of St Louis, of which Catherine T Baker is (or was) matron, the sum of one thousand ($1000) Dollars.

29th — I hereby give and bequeath to the German Prot-

estant Orphans Home of St Louis, of which J. H. Conrades is (or was) president the sum of one thousand ($1000) Dollars.

30th — I hereby give and bequeath to the Methodist Orphans Home, of which Mrs E L Walker is (or was) matron the sum of one thousand ($1000) Dollars.

31st — I hereby give and bequeath to the Young Mens Christian Association of St Louis the sum of one thousand ($1000) dollars.

32nd — I give and bequeath to Mr James Gurney the head gardener at the Missouri Botanical Garden the sum of three hundred ($300) Dollars; to Constance Strobel, and Michael Savadil each the sum of one hundred & fifty ($150) Dollars, and to my other employees and labourers, who at my decease are, and may have been in my service for five years or more the sum of seventy five ($75) Dollars each.

33rd — Having provided a mausoleum and tomb in the grove of the Missouri Botanical Garden, my desire is to be buried in the same, and upon which some work remains to be done, which if not finished in my life time, I hereby devise twelve thousand ($12,000) dollars to finish the same (and for other purposes herein mentioned) [23] the work of the mausoleum and monument to be completed if so required agreable to plans in the hands of Mr Geo I Barnett the architect, and also to pay for the grave stone, if so required shortly expected from Munich, Germany. It is also my desire that a small brick cottage be provided as a residence for a man to be employed; whose duty it shall to keep in order the said mausoleum, museum building or buildings the grove, and the grounds around, for all time to come, salary to be paid out of the general fund belonging to the said Trust, and said employee to be under the controul of the Director of the garden, same as the other employees of the aforesaid institution. Also out of the devise of twelve thousand dollars; fifteen hundred (1,500) dollars to Mrs Rebecca Edom my aforesaid housekeeper for my funeral expenses, and not

to exceed that sum; agreable to my written memorandum of items left with her as instructions. It is also my desire that the remains of no other person be buried within the limits of the Missouri Botanical Garden.

34th — In the first clause, and second paragraph of this my last will and testament, I devise and express my wish that the garden shall be kept open, under necessary regulations, sundays and holidays excepted, every day of the week. Now as this Trust is made for the use of the citizens of St Louis as well as the public in general; it is my wish that for the convenience of said citizens and public, that the Garden shall be open to visitors two sundays in each year, viz, the first sundays in June, and the first Sunday in September, from Two P M to sunset.

35th — I hereby direct my administator or executor, as soon afer my decease as it can be done, to turn over to the Trustees aforesaid, of the Missouri Botanical Garden, named in the first clause of this my will, all the real estate devised to them in this will, also, all the personal property of all [24] kinds, devised and bequeathed to them contained in and upon the said garden and grounds, or upon the tract herein first described, the house, buildings and improvements thereon, and as there will be found an inventory of the plants connected with and embraced in said Botanical garden and grounds, or upon the tract aforesaid; and as the plants are removed at times from the plant houses into the garden, it is sufficient for my executor or administrator to inventory said plants for the purposes of my estate as the plants, flowers and shrubs belonging to the Missouri Botanical Garden as contained in inventory, and said Trustees shall receipt to my executor or administrator in full of such plants &c as contained in said inventory as the shrubs plants & flowers of the Missouri Botanical Garden.

36th — Also all the residue of my estate real and personal or mixed, which I may leave, or be possessed of at the time of my death, which shall not have been in this my will devised, bequeathed and disposed of, I devise and bequeath to

said Trustees. To have and to hold to them and the survivors of them, and their successors in said Trust forever upon the said uses and trusts above mentioned.

Corrections — 1st — in page 2, line 2 — read "*convey*" instead of "devise"

" 2nd in 4th paragraph of 1st clause, 9th line change "rites" to "rights."

37th — I hereby nominate and appoint The Public Administrator for the time being, to be the executor or administrator of this my will. I testimony whereof I have hereto set my hand & seal, this twenty sixth day of January Eighteen hundred & eighty five

HENRY SHAW [Seal]

Signed, sealed, published and declared as, and for his last will and testament by Henry Shaw, who in our presence, and in his presence, and at his request, and in [25] the presence of each other have hereto subscribed our names as witnesses thereto of the day and year above written.

W A CLENDENIN.
E. W. PIKE
JULES DESLOGE

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } *ss.*

Be it remembered, that on this 2d day of September A. D. 1889, before me, the undersigned, Clerk of the Probate Court of the City of St. Louis, personally came William A. Clendenin, Edward W. Pike and Jules Desloge who being each by me duly sworn, on their oaths say:

"We saw Henry Shaw, the testator subscribe his name

to the annexed instrument, in writing, bearing date the 26th day of January, 1885, and heard him declare the same to be his last Will and Testament; we subscribed our names thereto as witnesses in the presence and at the request of the said testator and at the time of the execution of said instrument as aforesaid, and of our subscribing the same as such witnesses, he the said testator was of sound and disposing mind, to the best of our knowledge and belief. Said testator died on or about the 25th day of August, 1889."

Sworn to and subscribed before me, this 2d day of September A. D. 1889.

W. A. CLENDENIN,
E. W. PIKE,
JULES DESLOGE.

W. E. WAGNER, *Clerk.*
BY B. W. MCILVAINE, D. C.

STATE OF MISSOURI,
CITY OF ST. LOUIS. } *ss.*

I, Wm. E. Wagner, Clerk of the Probate Court of the City of St. Louis, having examined the annexed instrument in writing, together with the testimony of William A. Clendenin, Edward W. Pike and Jules Desloge, subscribing witnesses thereto, do consider the same as duly proved to be the last Will and Testament of Henry Shaw, deceased.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Seal of said Court, at office, this 2d day of September, 1889.

SEAL

W. E. WAGNER, *Clerk.*
BY B. W. MCILVAINE, D. C.

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } *ss.*

In the Probate Court for the City of St. Louis, September term, 1889, Monday, September 9, 1889.

ESTATE OF HENRY SHAW. } Probate of will approved.

Now at this day the Court examines and approves of the probate of the last will and testament of Henry Shaw, late of the City of St. Louis, deceased, taken and granted by the Clerk of this Court, in vacation, on the 2d day of September instant, and orders that the same be certified accordingly.

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } *ss.*

I, Wm. E. Wagner, Clerk of the Probate Court within and for the City of St. Louis aforesaid, do hereby certify the foregoing to be a true and complete copy of the last Will and Testament of HENRY SHAW, deceased, and of the probate thereof, and of the order of said Court approving said probate, as fully as the same respectively remain on file and appear of record in my said office.

SEAL OF THE PROBATE COURT OF THE CITY OF ST. LOUIS, MISSOURI.

IN WITNESS WHEREOF, I hereto set my hand and affix the seal of said Court, at office, in St. Louis, this 14th day of September, 1889.

W. E. WAGNER, *Clerk.*

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } *ss.*

I, the undersigned, Recorder of Deeds for said City and State, do hereby certify that the foregoing instrument of writing was filed for record in my office, on the Seventeenth day of September, A. D. 1889, at 8:40 o'clock A. M., and is truly recorded in book 925 Page 229.

WITNESS my hand and official seal on the day and year aforesaid.

RECORDER OF DEEDS SEAL, ST. LOUIS, STATE OF MISSOURI.

WM. A. HOBBS,
Recorder.